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Date:

December 10, 2003

By:

Lynnea B. Anderson

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Daniel *et al.*

APPLICATION NO.: 10/668,433

FILED: September 22, 2003

FOR: **BONE-TREATMENT INSTRUMENT AND METHOD**

EXAMINER: NOT YET ASSIGNED

ART UNIT: NOT YET ASSIGNED

CONF. NO.: NOT YET ASSIGNED

Information Disclosure Statement Within Three Months of Application Filing or Before First Action – 37 CFR 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 CFR 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references can be found in parent U.S. Application No. 10/044,081:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that:
(i) a search has been made; (ii) additional information material to the examination of this

application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

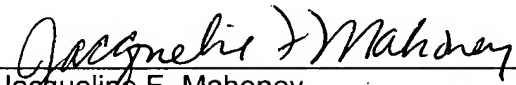
No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 CFR 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

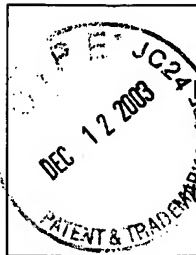
Respectfully submitted,
Perkins Coie LLP

Date: Dec. 10, 2003


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|  INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) Use several sheets if necessary | | | | COMPLETE IF KNOWN | |
| | | | | Application Number | 10/668,433 |
| | | | | Filed | September 22, 2003 |
| | | | | First Named Inventor | Steven A. Daniel |
| | | | | Group Art Unit | not yet assigned |
| | | | | Examiner Name | not yet assigned |
| Atty Dkt No. | 37167-8042.US01 | | | | |
| Sheet 1 of 1 | | | | | |

| U.S. PATENT DOCUMENTS | | | | | | |
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| Examiner Initials | Cite No. | U.S. Patent or Application | | Name of Patentee or Inventor of Cited Document | Date of Publication or Filing Date of Cited Document | Pages, Columns, Lines, Where Relevant Figures Appear |
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| OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS | | | | |
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| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published. | | |
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| EXAMINER | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s). | |